

HOUSE BILL NO. HB0117

Stop harm-empower women with informed notices.

Sponsored by: Representative(s) Lawley, Andrew, Angelos and Neiman and Senator(s) Boner, Brennan, Olsen and Steinmetz

A BILL

for

1 AN ACT relating to public health and safety; providing
2 legislative findings; providing definitions; requiring
3 informed consent be provided before the procurement or
4 provision of an abortion; specifying requirements for the
5 provision of informed consent; specifying exceptions;
6 authorizing civil actions; specifying remedies; authorizing
7 a right of intervention as specified; specifying
8 applicability; making conforming amendments; and providing
9 for an effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.**

14

15 (a) The legislature finds that:

1

2 (i) Informed consent is foundational to medical
3 treatment decisions. Some informed consent challenges are
4 universal to medicine, while other challenges are specific
5 to the practice of obstetrics and gynecology compared to
6 other specialty areas;

7

8 (ii) It is essential to the psychological and
9 physical well-being of a woman considering an abortion that
10 the woman receives complete and accurate information on
11 abortion and its alternatives;

12

13 (iii) The decision to have an abortion "is an
14 important, and often a stressful one, and it is desirable
15 and imperative that it be made with full knowledge of its
16 nature and consequences." Planned Parenthood v. Danforth,
17 428 U.S. 52, 67 (1976);

18

19 (iv) Adequate and legitimate informed consent
20 includes information that relates "to the consequences to
21 the fetus." Planned Parenthood v. Casey, 505 U.S. 833, 882
22 (1992), overruled by Dobbs v. Jackson Women's Health Org.,
23 597 U.S. 215, 231, 302 (2022);

1

2 (v) A patient cannot agree to medical treatment
3 unless the patient is competent, adequately informed and
4 not coerced into giving informed consent;

5

6 (vi) Many women are coerced into having
7 abortions. A 2017 study on women's abortion experiences
8 reported that seventy-three and eight-tenths percent (73.8%)
9 of women said that they "disagreed that their decision to
10 abort was entirely free from even subtle pressure from
11 others to abort." Priscilla Coleman et al., Women Who
12 Suffered Emotionally from Abortion: A Qualitative Synthesis
13 of their Experiences, 22 J. Am. Physicians & Surgeons 113,
14 115 (2017);

15

16 (vii) A 2023 national study found that over
17 sixty percent (60%) of women who had abortions reported
18 experiencing high levels of pressure to abort from one (1)
19 or more sources. David C. Reardon et al., Effects of
20 Pressure to Abort on Women's Emotional Responses and Mental
21 Health, Cureus (Jan. 31, 2023).

22

1 (b) It is the purpose of this act to ensure that a
2 woman who is harmed by the performance of an elective
3 abortion may bring a civil action against any person who
4 performs the abortion in situations where the harm was due
5 to negligent, reckless or intentional conduct, voluntary
6 informed written consent was not given or the abortion
7 provider knew or should have known that the interested
8 party was coerced into the abortion. The legislature
9 declares that women deserve the right to seek and recover
10 damages from the person who performed an abortion in these
11 circumstances that resulted in harm to the woman.

12

13 **Section 2.** W.S. 35-6-401 through 35-6-403 are created
14 to read:

15

16 **35-6-401. Definitions.**

17

18 (a) As used in this article:

19

20 (i) "Abortion-inducing drug" means a medicine,
21 drug or other substance prescribed or dispensed with the
22 intent of terminating the clinically diagnosable pregnancy
23 of a woman, with knowledge that the termination will, with

1 reasonable likelihood, cause the death of the unborn child.

2 "Abortion-inducing drug":

3

4 (A) Includes the off-label use of drugs
5 known to have abortion-inducing properties that are
6 prescribed or dispensed:

7

8 (I) Specifically with the intent of
9 causing an abortion, including mifepristone, misoprostol
10 and methotrexate;

11

12 (II) Without a diagnosed pregnancy for
13 the purpose of causing an abortion at some future date
14 rather than contemporaneously with a clinically diagnosed
15 pregnancy.

16

17 (B) Shall not include drugs that may be
18 known to cause an abortion but are prescribed for other
19 medical indications, provided that the medical indication
20 is clearly indicated on the prescription.

21

1 (ii) "Abuser" means any person who attempts to,
2 conspires to or successfully coerces or forces a woman to
3 have an abortion;

4
5 (iii) "Chemical abortion" means the act of using
6 or prescribing any abortion-inducing drug with the intent
7 to terminate the pregnancy of a woman known or believed to
8 be pregnant with knowledge that the termination by those
9 means will, with reasonable likelihood, cause the death of
10 the unborn child. The use or prescription of an
11 abortion-inducing drug is not a chemical abortion if the
12 use or prescription is provided with the intent to:

13
14 (A) Save the life or preserve the health of
15 the unborn child;

16
17 (B) Remove a dead unborn child whose death
18 was caused by a miscarriage or stillbirth;

19
20 (C) Remove an ectopic pregnancy;

21

1 (D) Treat a maternal disease or illness for
2 which the prescribed drug is medically indicated without
3 the intent to terminate the pregnancy; or

4

5 (E) Address a medical emergency.

6

7 (iv) "Coercing an abortion" or "forcing an
8 abortion" means a person who knows of or suspects the
9 pregnancy of a woman and engages or conspires with another
10 to engage in any one (1) or more of the following conduct
11 with the intent or purpose to cause or direct the pregnant
12 woman to have an abortion, regardless of whether the
13 abortion has been attempted or completed:

14

15 (A) Committing, attempting to commit or
16 threatening to commit physical harm to the woman, unborn
17 child or another person;

18

19 (B) Holding, attempting to hold or
20 threatening to hold in confinement the woman or unborn
21 child;

22

1 (C) Committing, attempting to commit or
2 threatening to commit against the woman any act prohibited
3 by the laws of this state;

4

5 (D) Revoking, attempting to revoke or
6 threatening to revoke a scholarship awarded to the woman by
7 a public or private institution of higher education;

8

9 (E) Discharging, attempting to discharge or
10 threatening to discharge the woman or another person or
11 changing, attempting to change or threatening to change the
12 woman's or another person's compensation, terms, conditions
13 or privileges of employment;

14

15 (F) Denying, attempting to deny or
16 threatening to deny any social assistance for which a
17 pregnant woman or another person has applied, has been
18 approved for or has been receiving for which the woman or
19 the other person is otherwise eligible;

20

21 (G) Denying, removing or threatening to
22 deny or remove financial support or housing from the
23 pregnant woman or a dependent of the pregnant woman;

1

2 (H) Any other action intended to cause the
3 pregnant woman to have an abortion.

4

5 (v) "Coercion" means an action with purpose to
6 restrict a pregnant woman's freedom of action to her
7 detriment by engaging in conduct specified in paragraph
8 (iv) of this subsection;

9

10 (vi) "Complication" means any adverse physical
11 or psychological condition arising from the performance of
12 an abortion that the board of medicine may define,
13 including but not limited to uterine perforation, cervical
14 perforation, infection, bleeding, hemorrhage, blood clots,
15 a failure to actually terminate the pregnancy, the
16 retention of tissue from an incomplete abortion, pelvic
17 inflammatory disease, endometritis, missed ectopic
18 pregnancy, cardiac arrest, respiratory arrest, renal
19 failure, metabolic disorder, shock, embolism, coma,
20 placenta previa in subsequent pregnancies, preterm birth in
21 subsequent pregnancies, free fluid in the abdomen, adverse
22 reactions to anesthesia and other drugs, any psychological
23 or emotional complications and any other adverse event as

1 defined by the federal food and drug administration
2 criteria provided in the MedWatch reporting system;

3

4 (vii) "Elective abortion" means the use of an
5 instrument, medicine, drug or other substance or device,
6 including a chemical abortion, with the intent to terminate
7 the pregnancy of a woman known or believed to be pregnant.
8 "Elective abortion" shall not include medical procedures
9 performed to resolve a miscarriage, ectopic pregnancy or a
10 medical emergency;

11

12 (viii) "Fertilization" means the fecundation of
13 the ovum by the spermatozoa;

14

15 (ix) "Harm" means any complication, loss of
16 consortium with the unborn child or any financial loss
17 associated with an elective abortion or complication;

18

19 (x) "Informed consent" means, except in the case
20 of a medical emergency:

21

22 (A) The pregnant woman receives:

23

1 (I) A written statement including:

2

3 (1) The name of the physician who
4 will perform the elective abortion;

5

6 (2) Medically accurate
7 information that a reasonable patient would consider
8 material to the decision of whether to undergo the elective
9 abortion, including:

10

11 a. Whether the pregnancy is
12 ectopic or molar;

13

14 b. A description of the
15 proposed abortion method;

16

17 c. The immediate and
18 long-term medical risks associated with the proposed
19 abortion method, including any potential complications;

20

21 d. Alternatives to the
22 abortion, including adoption and parenting.

23

1 a. The pregnant woman's
2 right to future care and treatment; or

3

4 b. The status of any state
5 or federally funded benefits to which the pregnant woman
6 may otherwise be entitled.

7

8 (2) It is against the law for
9 anyone, regardless of that person's relationship to the
10 pregnant woman, to force or coerce the pregnant woman to
11 have an elective abortion; and

12

13 (3) No payment was required or
14 obtained for a service provided in relation to the elective
15 abortion until the elective abortion was performed.

16

17 (B) In the case of an abortion being
18 performed or induced utilizing abortion-inducing drugs, the
19 pregnant woman also receives a written statement of the
20 following:

21

22 (I) That mifepristone alone is not
23 always effective in ending a pregnancy;

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(II) If after taking mifepristone the pregnant woman regrets her decision, she should consult a physician or health care provider immediately to determine if there are options available to assist her in continuing her pregnancy but that time is of the essence.

(C) Not later than twenty-four (24) hours before the performance or induction of an elective abortion and after the pregnant woman has been provided all of the information required under this paragraph, the pregnant woman provides her informed written consent to the elective abortion.

(xi) "Interested party" means a woman upon whom an elective abortion is performed or attempted or, in the case of the woman's:

(A) Death, the woman's spouse, personal representative or, if unmarried, the biological father of the unborn child or the woman's parent or guardian, provided that no person found to be an abuser shall be an interested party;

1

2 (B) Incapacity, as determined by a court,
3 the woman's court-appointed guardian.

4

5 (xii) "Liquidated remedial damages" means
6 damages that represent a minimum compensatory floor for the
7 inherent psychological, physical and dignitary harms
8 resulting from a violation of informed consent under this
9 article;

10

11 (xiii) "Medical emergency" means a condition
12 that, based on the physician's reasonable medical judgment,
13 so complicates a pregnant woman's medical condition as to
14 necessitate the separation of the woman and her unborn
15 child to avert the woman's death or to avert a
16 delay-induced serious risk of substantial and irreversible
17 impairment of a major bodily function;

18

19 (xiv) "Physician" means a person licensed to
20 practice medicine in this state;

21

22 (xv) "Pregnant" means the condition of a woman
23 carrying a fetus or embryo within her body;

1

2 (xvi) "Reasonable medical judgment" means a
3 medical judgment that would be made by a reasonably prudent
4 physician who is knowledgeable about the case and the
5 treatment possibilities with respect to the medical
6 conditions involved;

7

8 (xvii) "Unborn child" means an individual
9 organism of the species homo sapiens from fertilization
10 until live birth.

11

12 **35-6-402. Elective abortions; civil liability;**
13 **requirements.**

14

15 (a) Any interested party may bring a civil action
16 against any person who performs an elective abortion where
17 the interested party was harmed by the performance of an
18 elective abortion, and the pregnant woman:

19

20 (i) Did not voluntarily provide informed written
21 consent to the elective abortion;

22

1 (ii) Was coerced or forced into an elective
2 abortion, and the person who performed the elective
3 abortion knew or should have known of the coercion; or

4

5 (iii) Was harmed as a result of negligent,
6 reckless or intentional conduct associated with the
7 provision or induction of the elective abortion.

8

9 (b) Upon prevailing in an action under subsection (a)
10 of this section, the court shall award the interested
11 party:

12

13 (i) Liquidated remedial damages of not less than
14 twenty-five thousand dollars (\$25,000.00) for each claim
15 brought by the interested party in which the interested
16 party prevailed;

17

18 (ii) Any compensatory damages determined by the
19 finder of fact and deemed reasonable by the court;

20

21 (iii) Costs and reasonable attorney fees.

22

1 (c) Notwithstanding subsection (b) of this section,
2 no damages shall be awarded in an action under this section
3 if the defendant demonstrates that the defendant previously
4 paid the full amount of liquidated remedial damages under
5 paragraph (b)(i) of this section in a previous action for
6 that elective abortion.

7

8 (d) Nothing in this act shall be construed to
9 preclude or prohibit an interested party from:

10

11 (i) Bringing additional civil actions or claims
12 arising out of the same or similar circumstances that are
13 the basis for an action under this section;

14

15 (ii) Being awarded damages under a separate
16 cause of action or claim brought in accordance with law.

17

18 (e) Notwithstanding W.S. 1-3-105(a), an interested
19 party may bring an action under this section not later than
20 five (5) years after the date the cause of action accrues.

21

22 (f) The following shall not be a defense to an action
23 brought under this section:

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2 (i) Ignorance or mistake of law;

3

4 (ii) A defendant's belief that the requirements
5 of this article are unconstitutional or were
6 unconstitutional;

7

8 (iii) A defendant's reliance on any state or
9 federal court decision that is not binding on the court in
10 which the action is brought;

11

12 (iv) Nonmutual issue preclusion or nonmutual
13 claim preclusion; or

14

15 (v) Any claim that the enforcement of this
16 article or the imposition of civil liability against the
17 defendant will violate the constitutional rights of third
18 parties.

19

20 (g) This section shall not be construed to impose
21 liability on any speech or conduct protected by the first
22 amendment to the United States constitution or article 1,
23 section 20 of the Wyoming constitution.

1

2 (h) No court shall award attorney fees or costs to a
3 defendant in an action brought under this section.

4

5 (j) In each action brought under this section and
6 upon proper motion to the court, the court shall determine
7 whether the anonymity of any woman upon whom an abortion
8 has been performed or induced shall be preserved from
9 public disclosure. Upon a finding that the anonymity of the
10 woman is necessary, the court shall issue appropriate
11 orders to safeguard the woman's identity and shall detail
12 the basis for the finding of the necessity of anonymity. An
13 order denying a motion under this subsection shall be
14 subject to an immediate interlocutory appeal. This section
15 shall not be construed to conceal the identity of the
16 plaintiff or of witnesses from the defendant or the
17 defendant's counsel.

18

19 (k) No woman upon whom the elective abortion is
20 performed or attempted shall be liable in an action brought
21 under this section.

22

23 **35-6-403. Right of intervention.**

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2 The legislature, by joint resolution, may appoint one (1)
3 or more individuals who sponsored or cosponsored this act
4 to intervene as a matter of right in any case in which the
5 constitutionality of this article is challenged.

6

7 **Section 3.** W.S. 1-39-110(a) is amended to read:

8

9 **1-39-110. Liability; health care providers.**

10

11 (a) A governmental entity is liable for damages
12 resulting from bodily injury, wrongful death or property
13 damage caused by the medical malpractice of health care
14 providers who are employees of the governmental entity,
15 including contract physicians, physician assistants,
16 nurses, optometrists and dentists who are providing a
17 service for state institutions or county jails, while
18 acting within the scope of their duties. For purposes of
19 this subsection, medical malpractice includes a violation
20 of W.S. 35-6-401 through 35-6-403.

21

1 **Section 4.** This act shall apply to all abortions
2 performed or induced on and after the effective date of
3 this act.

4

5 **Section 5.** This act is effective July 1, 2026.

6

7

(END)